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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,491	11/13/2001	Christopher J. Feola	052663/325792	5649
826	7590	06/07/2007	EXAMINER	
ALSTON & BIRD LLP			SALL, EL HADJI MALICK	
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000			ART UNIT	
CHARLOTTE, NC 28280-4000			PAPER NUMBER	
			2157	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/008,491

Applicant(s)

FÈOLA ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1,2,4-19,22 and 38-40.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 11. does NOT place the application in condition for allowance because:

(A) Applicant argues Kent does not teach or suggest applying rules to content to prepare the content in a first way for communication over an Internet channel to an Internet terminal, and for publication by the Internet terminal connected to the Internet channel; and prepare the content in a second way for both communication over a non-Internet channel to a non-Internet terminal, and for publication by the non-Internet terminal connected to the non-Internet channel, as recited by independent Claims 1 and 17.
In regards to point (A), examiner respectfully disagrees.

Paragraph [0035], Kent discloses an Internet accessible device, such as a personal computer 10 is connected via a communication device, such as a telephone line 12, to the Internet 14 (i.e. "applying rules to content to prepare the content in a first way for communication over an Internet channel"). The Internet 14 is connected to the publisher's facility (or, alternately, a third party facility providing this service for a publisher) 13 by a communications device 16, such as a telephone line, cable connection, wireless connection, etc (i.e. "preparing the content in a second way for both communication over the non-Internet channel to non-Internet channel (i.e. item 30, figure 1)"). The publisher's facility includes a server 13 or main frame housing a graphical user interface, GUI 15 that is coupled by a communication means 17, or as part of a server containing a database/profiler component 18.

(B) Applicant argues that Kent does not disclose that the content is prepared in any different way for communication over particular distribution channels. Thus, Kent does not teach or suggest applying rules to content such that the content may be formatted for communication over different distribution channels for publication by respective terminal.

In regards to point (B), examiner respectfully disagrees.

Figure 1, Kent discloses an Internet channel (i.e. item 14, an internet terminals, items 10 and 15, a non-Internet channels, items 17 and 30, and a non-Internet channel, item 341; figure 5). Figure 1 describes different distribution channels, and inherently "rules are applied to content such that the content may be formatted for communication over different distribution channels for publication by respective terminals".

(C) Applicant argues that Kent does not disclose content publisher selected distribution channel rules and terminal rules for facilitating publication of the content over a plurality of distribution channels and terminals, respectively.

In regards to point (C), examiner respectfully disagrees.

Figure 5, Kent discloses items 13, 34, 160, 162 and 168 (i.e. "content publisher selected distribution channel rules and terminal rules for facilitating publication of the content over a plurality of distribution channels and terminals").


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